

REMARKS

Applicants have amended claims 1, 2, 12, and 13, canceled claim 4 without prejudice or disclaimer, and added new claims 14 – 19. Claims 1-3 and 5-19 are now pending.

In the Office Action, the Examiner stated that Applicant has not filed a certified copy of JP 2003-067094; rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by Gijutsucho et al. (Japan Patent No. JP 63-047686); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Gijutsucho et al. in view of Sumiya et al. (U.S. Patent Application No. 2005/0087693A1); rejected claims 7 and 9-13 under U.S.C. § 103(a) as being unpatentable over Gijutsucho et al. in view of Moisan et al. (U.S. Patent No. 6,087,663); and indicated that claims 4, 5, and 8 were objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form. Applicants traverse these objections and rejections, at least for the following reasons.

Applicants submitted a certified copy of JP 2003-067094 on October 17, 2005. Applicants accordingly traverse the Examiner's indication that a certified copy has not been submitted.

Applicants thank the Examiner for the indication of the allowable subject matter. Since claim 4 has now been canceled and the allowable subject matter thereof added to independent claims 1 and 2, Applicants respectfully submit that independent claims 1 and 2 and their dependent claims 3 and 5-13 should now be in condition for allowance. Accordingly, reconsideration and withdrawal of all art rejections applied to the claims in the pending Office Action is respectfully requested.

Applicants submit that new claims 14-19 should also be considered to be in condition for allowance. For example, Applicants submit that in the reference to Gijuscho et al., the various relevant portions have the same optical characteristic as the second layer. That is, the second layer does not comprise a reflective portion. On the other hand, in new claims 14 and 15, for example, there is a difference in optical characteristic in each layer, which may contribute to the accurate identification of the position at which the radiation is absorbed even at a point remote from the light receiving plane, as demonstrated in Fig. 10 of the present application, thereby allowing an increase in the number of layers. Thus, a more sensitive, higher-resolution position detector can be provided in accordance with the present invention.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request withdrawal of all outstanding objections and rejections, and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to



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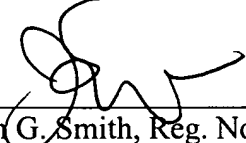
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Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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